

110TH CONGRESS  
1ST SESSION

# S. 122

To amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes.

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## IN THE SENATE OF THE UNITED STATES

JANUARY 4, 2007

Mr. BAUCUS (for himself and Mr. COLEMAN) introduced the following bill;  
which was read twice and referred to the Committee on Finance

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## A BILL

To amend the Trade Act of 1974 to extend benefits to service sector workers and firms, enhance certain trade adjustment assistance authorities, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*  
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE; TABLE OF CONTENTS.**

4 (a) SHORT TITLE.—This Act may be cited as the  
5 “Trade Adjustment Assistance Improvement Act of  
6 2007”.

7 (b) TABLE OF CONTENTS.—The table of contents for  
8 this Act is as follows:

Sec. 1. Short title; table of contents.

## TITLE I—TRADE ADJUSTMENT ASSISTANCE FOR SERVICES SECTOR

Sec. 101. Short title.

Sec. 102. Extension of trade adjustment assistance to services sector.

Sec. 103. Trade adjustment assistance for firms and industries.

Sec. 104. Monitoring and reporting.

Sec. 105. Effective date.

## TITLE II—TRADE ADJUSTMENT ASSISTANCE FOR INDUSTRIES

Sec. 201. Other methods of requesting investigation.

Sec. 202. Notification.

Sec. 203. Industry-wide determination.

Sec. 204. Coordination with other trade provisions.

Sec. 205. Regulations.

## TITLE III—OTHER TRADE ADJUSTMENT ASSISTANCE MATTERS

### Subtitle A—Trade Adjustment Assistance

Sec. 301. Calculation of separation tolled during litigation.

Sec. 302. Establishment of Trade Adjustment Assistance Advisor.

Sec. 303. Office of Trade Adjustment Assistance.

Sec. 304. Certification of submissions.

Sec. 305. Wage insurance.

Sec. 306. Training.

Sec. 307. Funding for administrative costs.

Sec. 308. Authorization of appropriations.

### Subtitle B—Data Collection

Sec. 311. Short title.

Sec. 312. Data collection; information to workers.

Sec. 313. Determinations by the Secretary of Labor.

### Subtitle C—Trade Adjustment Assistance for Farmers

Sec. 321. Clarification of marketing year and other provisions.

Sec. 322. Eligibility.

# 1 **TITLE I—TRADE ADJUSTMENT** 2 **ASSISTANCE FOR SERVICES** 3 **SECTOR**

## 4 **SEC. 101. SHORT TITLE.**

5       This title may be cited as the “Trade Adjustment As-  
6 sistance Equity for Service Workers Act of 2007”.

1 **SEC. 102. EXTENSION OF TRADE ADJUSTMENT ASSISTANCE**  
 2 **TO SERVICES SECTOR.**

3 (a) ADJUSTMENT ASSISTANCE FOR WORKERS.—Sec-  
 4 tion 221(a)(1)(A) of the Trade Act of 1974 (19 U.S.C.  
 5 2271(a)(1)(A)) is amended by striking “firm)” and insert-  
 6 ing “firm, and workers in a service sector firm or subdivi-  
 7 sion of a service sector firm, or public agency)”.

8 (b) GROUP ELIGIBILITY REQUIREMENTS; SERVICE  
 9 WORKERS; SHIFTS IN PRODUCTION.—Section 222 of the  
 10 Trade Act of 1974 (19 U.S.C. 2272) is amended—

11 (1) in subsection (a)—

12 (A) in the matter preceding paragraph (1),  
 13 by striking “agricultural firm)” and inserting  
 14 “agricultural firm, and workers in a service sec-  
 15 tor firm or subdivision of a service sector firm,  
 16 or public agency)”;

17 (B) in paragraph (1), by inserting “or  
 18 public agency” after “of the firm”; and

19 (C) in paragraph (2)—

20 (i) in subparagraph (A)(ii), by strik-  
 21 ing “like or directly competitive with arti-  
 22 cles produced” and inserting “or services  
 23 like or directly competitive with articles  
 24 produced or services provided”;

25 (ii) by striking subparagraph (B) and  
 26 inserting the following:

1           “(B)(i) there has been a shift, by such  
 2 workers’ firm, subdivision, or public agency to  
 3 a foreign country, of production of articles, or  
 4 in provision of services, like or directly competi-  
 5 tive with articles which are produced, or serv-  
 6 ices which are provided by such firm, subdivi-  
 7 sion, or public agency; or

8           “(ii) such workers’ firm, subdivision, or  
 9 public agency has obtained or is likely to obtain  
 10 such services from a foreign country.”;

11           (2) in subsection (b)—

12           (A) in the matter preceding paragraph (1),  
 13 by striking “agricultural firm)” and inserting  
 14 “agricultural firm, and workers in a service sec-  
 15 tor firm or subdivision of a service sector firm,  
 16 or public agency)”;

17           (B) in paragraph (2), by inserting “or  
 18 service” after “related to the article”; and

19           (C) in paragraph (3)(A), by inserting “or  
 20 services” after “component parts”;

21           (3) in subsection (c)—

22           (A) in paragraph (3)—

23           (i) by inserting “or services” after  
 24 “value-added production processes”;

1 (ii) by striking “or finishing” and in-  
 2 serting “, finishing, or testing”;

3 (iii) by inserting “or services” after  
 4 “for articles”;

5 (iv) by inserting “(or subdivision)”  
 6 after “such other firm”; and

7 (v) by striking “, if the certification of  
 8 eligibility” and all that follows to the end  
 9 period; and

10 (B) in paragraph (4)—

11 (i) by striking “for articles” and in-  
 12 serting “, or services, used in the produc-  
 13 tion of articles or in the provision of serv-  
 14 ices”; and

15 (ii) by inserting “(or subdivision)”  
 16 after “such other firm”; and

17 (4) by adding at the end the following new sub-  
 18 section:

19 “(d) BASIS FOR SECRETARY’S DETERMINATIONS.—

20 “(1) INCREASED IMPORTS.—For purposes of  
 21 subsection (a)(2)(A)(ii), the Secretary may deter-  
 22 mine that increased imports of like or directly com-  
 23 petitive articles or services exist if the workers’ firm  
 24 or subdivision or customers of the workers’ firm or  
 25 subdivision accounting for not less than 20 percent

1 of the sales of the workers' firm or subdivision cer-  
 2 tify to the Secretary that they are obtaining such ar-  
 3 ticles or services from a foreign country.

4 “(2) OBTAINING SERVICES ABROAD.—For pur-  
 5 poses of subsection (a)(2)(B)(ii), the Secretary may  
 6 determine that the workers' firm, subdivision, or  
 7 public agency has obtained or is likely to obtain like  
 8 or directly competitive services from a foreign coun-  
 9 try based on a certification thereof from the work-  
 10 ers' firm, subdivision, or public agency.

11 “(3) AUTHORITY OF THE SECRETARY.—The  
 12 Secretary may obtain the certifications under para-  
 13 graphs (1) and (2) through questionnaires or in  
 14 such other manner as the Secretary determines is  
 15 appropriate.”.

16 (c) DEFINITIONS.—Section 247 of the Trade Act of  
 17 1974 (19 U.S.C. 2319) is amended—

18 (1) in paragraph (1)—

19 (A) by inserting “or public agency” after  
 20 “of a firm”; and

21 (B) by inserting “or public agency” after  
 22 “or subdivision”;

23 (2) in paragraph (2)(B), by inserting “or public  
 24 agency” after “the firm”;

1           (3) by redesignating paragraphs (8) through  
 2           (17) as paragraphs (9) through (18), respectively;  
 3           and

4           (4) by inserting after paragraph (6) the fol-  
 5           lowing:

6           “(7) The term ‘public agency’ means a depart-  
 7           ment or agency of a State or local government or of  
 8           the Federal Government.

9           “(8) The term ‘service sector firm’ means an  
 10          entity engaged in the business of providing serv-  
 11          ices.”.

12 **SEC. 103. TRADE ADJUSTMENT ASSISTANCE FOR FIRMS**  
 13 **AND INDUSTRIES.**

14          (a) FIRMS.—

15           (1) ASSISTANCE.—Section 251 of the Trade  
 16          Act of 1974 (19 U.S.C. 2341) is amended—

17           (A) in subsection (a), by inserting “or  
 18          service sector firm” after “(including any agri-  
 19          cultural firm”;

20           (B) in subsection (c)(1)—

21           (i) in the matter preceding subpara-  
 22          graph (A), by inserting “or service sector  
 23          firm” after “any agricultural firm”;

24           (ii) in subparagraph (B)(ii), by insert-  
 25          ing “or service” after “of an article”; and

1 (iii) in subparagraph (C), by striking  
 2 “articles like or directly competitive with  
 3 articles which are produced” and inserting  
 4 “articles or services like or directly com-  
 5 petitive with articles or services which are  
 6 produced or provided”; and  
 7 (C) by adding at the end the following:

8 “(e) BASIS FOR SECRETARY DETERMINATION.—

9 “(1) INCREASED IMPORTS.—For purposes of  
 10 subsection (c)(1)(C), the Secretary may determine  
 11 that increases of imports of like or directly competi-  
 12 tive articles or services exist if customers accounting  
 13 for not less than 20 percent of the sales of the work-  
 14 ers’ firm certify to the Secretary that they are ob-  
 15 taining such articles or services from a foreign coun-  
 16 try.

17 “(2) AUTHORITY OF THE SECRETARY.—The  
 18 Secretary may obtain the certifications under para-  
 19 graph (1) through questionnaires or in such other  
 20 manner as the Secretary determines is appropriate.  
 21 The Secretary may exercise the authority under sec-  
 22 tion 249 in carrying out this subsection.”.

23 (2) DEFINITION.—Section 261 of the Trade  
 24 Act of 1974 (19 U.S.C. 2351) is amended—



1 (A) by striking “For purposes of” and in-  
 2 serting “(a) FIRM.—For purposes of”; and

3 (B) by adding at the end the following:

4 “(b) SERVICE SECTOR FIRM.—For purposes of this  
 5 chapter, the term ‘service sector firm’ means a firm en-  
 6 gaged in the business of providing services.”.

7 (b) INDUSTRIES.—Section 265(a) of the Trade Act  
 8 of 1974 (19 U.S.C. 2355(a)) is amended by inserting “or  
 9 service” after “new product”.

10 (c) TECHNICAL AMENDMENTS.—

11 (1) IN GENERAL.—Section 249 of the Trade  
 12 Act of 1974 (19 U.S.C. 2321) is amended by strik-  
 13 ing “subpena” and inserting “subpoena” each place  
 14 it appears in the heading and the text.

15 (2) TABLE OF CONTENTS.—The table of con-  
 16 tents for the Trade Act of 1974 is amended by strik-  
 17 ing “Subpena” in the item relating to section 249  
 18 and inserting “Subpoena”.

19 **SEC. 104. MONITORING AND REPORTING.**

20 Section 282 of the Trade Act of 1974 (19 U.S.C.  
 21 2393) is amended—

22 (1) in the first sentence—

23 (A) by striking “The Secretary” and in-  
 24 serting “(a) MONITORING PROGRAMS.—The  
 25 Secretary”;

1 (B) by inserting “and services” after “im-  
 2 ports of articles”;

3 (C) by inserting “and domestic provision of  
 4 services” after “domestic production”;

5 (D) by inserting “or providing services”  
 6 after “producing articles”; and

7 (E) by inserting “, or provision of serv-  
 8 ices,” after “changes in production”; and

9 (2) by adding at the end the following:

10 “(b) COLLECTION OF DATA AND REPORTS ON SERV-  
 11 ICE SECTOR.—

12 “(1) SECRETARY OF LABOR.—Not later than 3  
 13 months after the date of the enactment of the Trade  
 14 Adjustment Assistance Improvement Act of 2007,  
 15 the Secretary of Labor shall implement a system to  
 16 collect data on adversely affected service workers  
 17 that includes the number of workers by State, indus-  
 18 try, and cause of dislocation of each worker.

19 “(2) SECRETARY OF COMMERCE.—Not later  
 20 than 180 days after such date of enactment, the  
 21 Secretary of Commerce shall, in consultation with  
 22 the Secretary of Labor, conduct a study and report  
 23 to the Congress on ways to improve the timeliness  
 24 and coverage of data on trade in services, including  
 25 methods to identify increased imports due to the re-

1 location of United States firms to foreign countries,  
 2 and increased imports due to United States firms  
 3 obtaining services from firms in foreign countries.”.

4 **SEC. 105. EFFECTIVE DATE.**

5 The amendments made by this title shall take effect  
 6 on the date that is 90 days after the date of the enactment  
 7 of this Act.

8 **TITLE II—TRADE ADJUSTMENT**  
 9 **ASSISTANCE FOR INDUSTRIES**

10 **SEC. 201. OTHER METHODS OF REQUESTING INVESTIGA-**  
 11 **TION.**

12 Section 221 of the Trade Act of 1974 (19 U.S.C.  
 13 2271) is amended—

14 (1) by adding at the end the following:

15 “(c) OTHER METHODS OF INITIATING A PETITION.—

16 Upon the request of the President or the United States  
 17 Trade Representative, or the resolution of either the Com-  
 18 mittee on Finance of the Senate or the Committee on  
 19 Ways and Means of the House of Representatives, the  
 20 Secretary shall promptly initiate an investigation under  
 21 this chapter to determine the eligibility for adjustment as-  
 22 sistance of—

23 “(1) a group of workers (which may include  
 24 workers from more than one facility or employer); or

1 “(2) all workers in an occupation as that occu-  
 2 pation is defined in the Bureau of Labor Statistics  
 3 Standard Occupational Classification System.”;

4 (2) in subsection (a)(2), by inserting “or a re-  
 5 quest or resolution filed under subsection (c),” after  
 6 “paragraph (1),”; and

7 (3) in subsection (a)(3), by inserting “, request,  
 8 or resolution” after “petition” each place it appears.

9 **SEC. 202. NOTIFICATION.**

10 Section 224 of the Trade Act of 1974 (19 U.S.C.  
 11 2274) is amended to read as follows:

12 **“SEC. 224. NOTIFICATIONS REGARDING AFFIRMATIVE DE-**  
 13 **TERMINATIONS AND SAFEGUARDS.**

14 “(a) NOTIFICATIONS REGARDING CHAPTER 1 INVES-  
 15 TIGATIONS AND DETERMINATIONS.—Whenever the Inter-  
 16 national Trade Commission makes a report under section  
 17 202(f) containing an affirmative finding regarding serious  
 18 injury, or the threat thereof, to a domestic industry, the  
 19 Commission shall immediately—

20 “(1) notify the Secretary of Labor of that find-  
 21 ing; and

22 “(2) in the case of a finding with respect to an  
 23 agricultural commodity, as defined in section 291,  
 24 notify the Secretary of Agriculture of that finding.

1       “(b) NOTIFICATION REGARDING BILATERAL SAFE-  
2 GUARDS.—The International Trade Commission shall im-  
3 mediately notify the Secretary of Labor and, in an inves-  
4 tigation with respect to an agricultural commodity, the  
5 Secretary of Agriculture, whenever the Commission makes  
6 an affirmative determination pursuant to one of the fol-  
7 lowing provisions:

8               “(1) Section 421 of the Trade Act of 1974 (19  
9 U.S.C. 2451).

10              “(2) Section 312 of the United States-Australia  
11 Free Trade Agreement Implementation Act (19  
12 U.S.C. 3805 note).

13              “(3) Section 312 of the United States-Morocco  
14 Free Trade Agreement Implementation Act (19  
15 U.S.C. 3805 note).

16              “(4) Section 312 of the United States-Singapo-  
17 pore Free Trade Agreement Implementation Act (19  
18 U.S.C. 3805 note).

19              “(5) Section 312 of the United States-Chile  
20 Free Trade Agreement Implementation Act (19  
21 U.S.C. 3805 note).

22              “(6) Section 302(b) of the North American  
23 Free Trade Agreement Implementation Act (19  
24 U.S.C. 3352(b)).

1           “(7) Section 212 of the United States-Jordan  
2       Free Trade Agreement Implementation Act (19  
3       U.S.C. 2112).

4           “(8) Section 312 of the Dominican Republic-  
5       Central America-United States Free Trade Agree-  
6       ment Implementation Act (19 U.S.C. 4062).

7           “(9) Section 312 of the United States-Bahrain  
8       Free Trade Agreement Implementation Act (19  
9       U.S.C. 3805 note).

10          “(10) Section 312 of the United States-Oman  
11       Free Trade Agreement Implementation Act (19  
12       U.S.C. 3805 note).

13          “(c) AGRICULTURAL SAFEGUARDS.—The Commis-  
14       sioner of Customs shall immediately notify the Secretary  
15       of Labor and, in the case of an agricultural commodity,  
16       the Secretary of Agriculture, whenever the Commissioner  
17       of Customs assesses additional duties on a product pursu-  
18       ant to one of the following provisions:

19               “(1) Section 202 of the United States-Australia  
20       Free Trade Agreement Implementation Act (19  
21       U.S.C. 3805 note).

22               “(2) Section 202 of the United States-Morocco  
23       Free Trade Agreement Implementation Act (19  
24       U.S.C. 3805 note).

1           “(3) Section 201(c) of the United States-Chile  
2       Free Trade Agreement Implementation Act (19  
3       U.S.C. 3805 note).

4           “(4) Section 309 of the North American Free  
5       Trade Agreement Implementation Act (19 U.S.C.  
6       3358).

7           “(5) Section 301(a) of the United States-Can-  
8       ada Free Trade Agreement Implementation Act of  
9       1988 (19 U.S.C. 2112 note).

10          “(6) Section 404 of the United States-Israel  
11       Free Trade Agreement Implementation Act (19  
12       U.S.C. 2112 note).

13          “(7) Section 202 of the Dominican Republic-  
14       Central America-United States Free Trade Agree-  
15       ment Implementation Act (19 U.S.C. 4032).

16       “(d) TEXTILE SAFEGUARDS.—The President shall  
17       immediately notify the Secretary of Labor whenever the  
18       President makes a positive determination pursuant to one  
19       of the following provisions:

20          “(1) Section 322 of the United States-Australia  
21       Free Trade Agreement Implementation Act (19  
22       U.S.C. 3805 note).

23          “(2) Section 322 of the United States-Morocco  
24       Free Trade Agreement Implementation Act (19  
25       U.S.C. 3805 note).

1           “(3) Section 322 of the United States-Chile  
2       Free Trade Agreement Implementation Act (19  
3       U.S.C. 3805 note).

4           “(4) Section 322 of the United States-Singa-  
5       pore Free Trade Agreement Implementation Act (19  
6       U.S.C. 3805 note).

7           “(5) Section 322 of the Dominican Republic-  
8       Central America-United States Free Trade Agree-  
9       ment Implementation Act (19 U.S.C. 4082).

10          “(6) Section 322 of the United States-Bahrain  
11       Free Trade Agreement Implementation Act (19  
12       U.S.C. 3805 note).

13          “(7) Section 322 of the United States-Oman  
14       Free Trade Agreement Implementation Act (19  
15       U.S.C. 3805 note).

16       “(e) ANTIDUMPING AND COUNTERVAILING DU-  
17   TIES.—Whenever the International Trade Commission  
18   makes a final affirmative determination pursuant to sec-  
19   tion 705 or section 735 of the Tariff Act of 1930 (19  
20   U.S.C. 1671d or 1673d), the Commission shall imme-  
21   diately notify the Secretary of Labor and, in the case of  
22   an agricultural commodity, the Secretary of Agriculture,  
23   of that determination.”.



1 **SEC. 203. INDUSTRY-WIDE DETERMINATION.**

2 Section 223 of the Trade Act of 1974 (19 U.S.C.  
3 2273) is amended by adding at the end the following:

4 “(e) INVESTIGATION REGARDING INDUSTRY-WIDE  
5 CERTIFICATION.—If the Secretary receives a request or  
6 a resolution under section 221(c) on behalf of workers in  
7 a domestic industry or occupation (described in section  
8 221(c)(2)) or receives 3 or more petitions under section  
9 221(a) within a 180-day period on behalf of groups of  
10 workers in a domestic industry or occupation, the Sec-  
11 retary shall make an industry-wide determination under  
12 subsection (a) of this section with respect to the domestic  
13 industry or occupation in which the workers are or were  
14 employed. If the Secretary does not make a determination  
15 and issue a certification under the preceding sentence, the  
16 Secretary shall make a determination of eligibility under  
17 subsection (a) with respect to each group of workers in  
18 that domestic industry or occupation from which a petition  
19 was received.”.

20 **SEC. 204. COORDINATION WITH OTHER TRADE PROVI-**  
21 **SIONS.**

22 (a) INDUSTRY-WIDE CERTIFICATION BASED ON  
23 GLOBAL SAFEGUARDS.—

24 (1) RECOMMENDATIONS BY ITC.—

25 (A) Section 202(e)(2)(D) of the Trade Act  
26 of 1974 (19 U.S.C. 2252(e)(2)(D)) is amended

1 by striking “, including the provision of trade  
2 adjustment assistance under chapter 2”.

3 (B) Section 203(a)(3)(D) of the Trade Act  
4 of 1974 (19 U.S.C. 2253(a)(3)(D)) is amended  
5 by striking “, including the provision of trade  
6 adjustment assistance under chapter 2”.

7 (2) ASSISTANCE FOR WORKERS.—Section  
8 203(a)(1)(A) of the Trade Act of 1974 (19 U.S.C.  
9 2253(a)(1)(A)) is amended to read as follows:

10 “(A) After receiving a report under section  
11 202(f) containing an affirmative finding regard-  
12 ing serious injury, or the threat thereof, to a  
13 domestic industry—

14 “(i) the President shall take all appro-  
15 priate and feasible action within his power;  
16 and

17 “(ii)(I) the Secretary of Labor shall  
18 certify as eligible to apply for adjustment  
19 assistance under section 223 workers em-  
20 ployed in the domestic industry defined by  
21 the Commission if such workers become to-  
22 tally or partially separated, or are threat-  
23 ened to become totally or partially sepa-  
24 rated, not earlier than 1 year before, or  
25 not later than 1 year after, the date on

1 which the Commission made its report to  
 2 the President under section 202(f); and

3 “(II) in the case of a finding with re-  
 4 spect to an agricultural commodity as de-  
 5 fined in section 291, the Secretary of Agri-  
 6 culture shall certify as eligible to apply for  
 7 adjustment assistance under section 293  
 8 agricultural commodity producers em-  
 9 ployed in the domestic production of the  
 10 agricultural commodity that is the subject  
 11 of the finding during the most recent mar-  
 12 keting year.”.

13 (b) INDUSTRY-WIDE CERTIFICATION BASED ON BI-  
 14 LATERAL SAFEGUARD PROVISIONS OR ANTIDUMPING OR  
 15 COUNTERVAILING DUTY ORDERS.—

16 (1) IN GENERAL.—Subchapter A of chapter 1  
 17 of title II of the Trade Act of 1974 (19 U.S.C. 2271  
 18 et seq.) is amended by inserting after section 224  
 19 the following new section:

20 **“SEC. 224A. INDUSTRY-WIDE CERTIFICATION WHERE BILAT-**  
 21 **ERAL SAFEGUARD PROVISIONS INVOKED OR**  
 22 **ANTIDUMPING OR COUNTERVAILING DUTIES**  
 23 **IMPOSED.**

24 “(a) IN GENERAL.—

1           “(1) MANDATORY CERTIFICATION.—Not later  
2           than 10 days after the date on which the Secretary  
3           of Labor receives a notification with respect to the  
4           imposition of a trade remedy, safeguard determina-  
5           tion, or antidumping or countervailing duty deter-  
6           mination under section 224 (a), (b), (c), (d), or (e),  
7           the Secretary shall certify as eligible for trade ad-  
8           justment assistance under section 223(a) workers  
9           employed in the domestic production of the article  
10          that is the subject of the trade remedy, safeguard  
11          determination, or antidumping or countervailing  
12          duty determination, as the case may be, if such  
13          workers become totally or partially separated, or are  
14          threatened to become totally or partially separated  
15          not more than 1 year before or not more than 1 year  
16          after the applicable date.

17          “(2) APPLICABLE DATE.—In this section, the  
18          term ‘applicable date’ means—

19                 “(A) the date on which the affirmative or  
20                 positive determination or finding is made in the  
21                 case of a notification under section 224 (a), (b),  
22                 or (d);

23                 “(B) the date on which a final determina-  
24                 tion is made in the case of a notification under  
25                 section 224(e); or

1 “(C) the date on which additional duties  
 2 are assessed in the case of a notification under  
 3 section 224(c).

4 “(b) QUALIFYING REQUIREMENTS FOR WORKERS.—  
 5 The provisions of subchapter B shall apply in the case of  
 6 a worker covered by a certification under this section or  
 7 section 223(e), except as follows:

8 “(1) Section 231(a)(5)(A)(ii) shall be applied—

9 “(A) by substituting ‘30th week’ for ‘26th  
 10 week’ in subclause (I); and

11 “(B) by substituting ‘26th week’ for ‘20th  
 12 week’ in subclause (II).

13 “(2) The provisions of section 236(a)(1) (A)  
 14 and (B) shall not apply.”.

15 (2) AGRICULTURAL COMMODITY PRODUCERS.—  
 16 Chapter 6 of title II of the Trade Act of 1974 (19  
 17 U.S.C. 2401 et seq.) is amended by striking section  
 18 294 and inserting the following:

19 **“SEC. 294. INDUSTRY-WIDE CERTIFICATION FOR AGRICUL-**  
 20 **TURAL COMMODITY PRODUCERS WHERE**  
 21 **SAFEGUARD PROVISIONS INVOKED OR ANTI-**  
 22 **DUMPING OR COUNTERVAILING DUTIES IM-**  
 23 **POSED.**

24 “(a) IN GENERAL.—Not later than 10 days after the  
 25 date on which the Secretary of Agriculture receives a noti-

1 fication with respect to the imposition of a trade remedy,  
 2 safeguard determination, or antidumping or counter-  
 3 vailing duty determination under section 224 (b), (c), or  
 4 (e), the Secretary shall certify as eligible for trade adjust-  
 5 ment assistance under section 293(a) agricultural com-  
 6 modity producers employed in the domestic production of  
 7 the agricultural commodity that is the subject of the trade  
 8 remedy, safeguard determination, or antidumping or coun-  
 9 tervailing duty determination, as the case may be, during  
 10 the most recent marketing year.

11 “(b) APPLICABLE DATE.—In this section, the term  
 12 ‘applicable date’ means—

13 “(1) the date on which the affirmative or posi-  
 14 tive determination or finding is made in the case of  
 15 a notification under section 224(b);

16 “(2) the date on which a final determination is  
 17 made in the case of a notification under section  
 18 224(e); or

19 “(3) the date on which additional duties are as-  
 20 sessed in the case of a notification under section  
 21 224(c).”.

22 (c) TECHNICAL AMENDMENTS.—The table of con-  
 23 tents for title II of the Trade Act of 1974 is amended—

24 (1) by striking the item relating to section 224  
 25 and inserting the following:

“Sec. 224. Notifications regarding affirmative determinations and safeguards.”;

1           (2) by inserting after the item relating to sec-  
2           tion 224, the following:

“Sec. 224A. Industry-wide certification based on bilateral safeguard provisions  
invoked or antidumping or countervailing duties imposed.”;

3           and

4           (3) by striking the item relating to section 294,  
5           and inserting the following:

“Sec. 294. Industry-wide certification for agricultural commodity producers  
where safeguard provisions invoked or antidumping or counter-  
vailing duties imposed.”.

## 6   **SEC. 205. REGULATIONS.**

7           The Secretary of the Treasury, the Secretaries of Ag-  
8   riculture and Labor, and the International Trade Commis-  
9   sion may promulgate such regulations as may be necessary  
10 to carry out the amendments made by this title.

# 11   **TITLE III—OTHER TRADE AD- 12   JUSTMENT ASSISTANCE MAT- 13   TERS**

## 14   **Subtitle A—Trade Adjustment 15   Assistance**

### 16   **SEC. 301. CALCULATION OF SEPARATION TOLLED DURING 17   LITIGATION.**

18           Section 233 of the Trade Act of 1974 (19 U.S.C.  
19 2293) is amended by adding at the end the following:

20           “(h) SPECIAL RULE FOR CALCULATING SEPARA-  
21 TION.—Notwithstanding any other provision of this chap-  
22 ter, any period during which a judicial or administrative

1 appeal is pending with respect to the denial by the Sec-  
 2 retary of a petition under section 223 shall not be counted  
 3 for purposes of calculating the period of separation under  
 4 subsection (a)(2) and an adversely affected worker that  
 5 would otherwise be entitled to a trade readjustment allow-  
 6 ance shall not be denied such allowance because of such  
 7 appeal.”.

8 **SEC. 302. ESTABLISHMENT OF TRADE ADJUSTMENT ASSIST-**  
 9 **ANCE ADVISOR.**

10 (a) IN GENERAL.—Subchapter A of chapter 2 of title  
 11 II of the Trade Act of 1974 is amended by inserting after  
 12 section 221, the following new section:

13 **“SEC. 221A. ESTABLISHMENT OF TRADE ADJUSTMENT AS-**  
 14 **SISTANCE ADVISOR.**

15 “(a) IN GENERAL.—There is established in the De-  
 16 partment of Labor an office to be known as the ‘Office  
 17 of Trade Adjustment Assistance Advisor’ (in this section  
 18 referred to as the ‘Office’). The Office shall be headed by  
 19 a Director, who shall be responsible for providing assist-  
 20 ance and advice to any person or entity described in sec-  
 21 tion 221(a)(1) desiring to file a petition for certification  
 22 of eligibility under section 221.

23 “(b) TECHNICAL ASSISTANCE.—The Director shall  
 24 coordinate with each agency responsible for providing ad-  
 25 justment assistance under this chapter or chapter 6 (in-



cluding the Office of Trade Adjustment Assistance established under section 255A) and shall provide technical and legal assistance and advice to enable persons or entities described in section 221(a)(1) to prepare and file petitions for certification under section 221.”.

(b) TECHNICAL AMENDMENT.—The table of contents for title II of the Trade Act of 1974 is amended by inserting after the item relating to section 221, the following:

“Sec. 221A. Establishment of Office of Trade Adjustment Assistance Advisor.”.

**9 SEC. 303. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.**

(a) IN GENERAL.—Chapter 3 of title II of the Trade Act of 1974 (19 U.S.C. 2341 et seq.) is amended by inserting after section 255 the following:

**13 “SEC. 255A. OFFICE OF TRADE ADJUSTMENT ASSISTANCE.**

“(a) ESTABLISHMENT.—Not later than 90 days after the date of the enactment of the Trade Adjustment Assistance Improvement Act of 2007, there shall be established in the International Trade Administration of the Department of Commerce an Office of Trade Adjustment Assistance (in this section referred to as the ‘Office’).

“(b) FUNCTIONS.—The Office shall assist the Secretary of Commerce in carrying out the Secretary’s responsibilities under this chapter.

“(c) PERSONNEL.—The Office shall be headed by a Director, and shall have such staff as may be necessary

1 to carry out the responsibilities of the Secretary of Com-  
 2 merce described in this chapter.”.

3 (b) CONFORMING AMENDMENT.—The table of con-  
 4 tents for the Trade Act of 1974 is amended by inserting  
 5 after the item relating to section 255, the following:

“Sec. 255A. Office of Trade Adjustment Assistance.”.

6 **SEC. 304. CERTIFICATION OF SUBMISSIONS.**

7 Section 223 of the Trade Act of 1974 (19 U.S.C.  
 8 2273), as amended by section 203, is amended by adding  
 9 at the end the following:

10 “(f) CERTIFICATION OF SUBMISSIONS.—If an em-  
 11 ployer submits a petition on behalf of a group of workers  
 12 pursuant to section 221(a)(1) or if the Secretary requests  
 13 evidence or information from an employer in order to  
 14 make a determination under this section, the accuracy and  
 15 completeness of any evidence or information submitted by  
 16 the employer shall be certified by the employer’s legal  
 17 counsel or by an officer of the employer.”.

18 **SEC. 305. WAGE INSURANCE.**

19 (a) IN GENERAL.—Section 246(a)(3) of the Trade  
 20 Act of 1974 (19 U.S.C. 2318(a)(3)) is amended to read  
 21 as follows:

22 “(3) ELIGIBILITY.—A worker in a group that  
 23 the Secretary has certified as eligible to apply for  
 24 adjustment assistance under section 223 may elect

1 to receive benefits under the alternative trade ad-  
 2 justment assistance program if the worker—

3 “(A) obtains reemployment not more than  
 4 26 weeks after the date of separation from the  
 5 adversely affected employment;

6 “(B) is at least 40 years of age;

7 “(C) earns not more than \$50,000 a year  
 8 in wages from reemployment;

9 “(D) is employed on a full-time basis as  
 10 defined by State law in the State in which the  
 11 worker is employed; and

12 “(E) does not return to the employment  
 13 from which the worker was separated.”.

14 (b) CONFORMING AMENDMENTS.—

15 (1) Subparagraphs (A) and (B) of section  
 16 246(a)(2) of the Trade Act of 1974 (19 U.S.C.  
 17 2318(a)(2)) are amended by striking “paragraph  
 18 (3)(B)” and inserting “paragraph (3)” each place it  
 19 appears.

20 (2) Section 246(b)(2) of such Act is amended  
 21 by striking “subsection (a)(3)(B)” and inserting  
 22 “subsection (a)(3)”.

23 (c) EXTENSION.—Section 246(b)(1) of such Act is  
 24 amended by striking “5 years” and inserting “10 years”.

1 **SEC. 306. TRAINING.**

2 (a) **MODIFICATION OF ENROLLMENT DEADLINES.**—

3 Section 231(a)(5)(A)(ii) of the Trade Act of 1974 (19  
4 U.S.C. 2291(a)(5)(A)(ii)) is amended—

5 (1) in subclause (I), by striking “16th week”  
6 and inserting “26th week”; and

7 (2) in subclause (II), by striking “8th week”  
8 and inserting “20th week”.

9 (b) **EXTENSION OF ALLOWANCE TO ACCOMMODATE**  
10 **TRAINING.**—Section 233 of the Trade Act of 1974 (19  
11 U.S.C. 2293), as amended by section 301, is amended by  
12 adding at the end the following:

13 “(i) **EXTENSION OF ALLOWANCE.**—Notwithstanding  
14 any other provision of this section, a trade readjustment  
15 allowance may be paid to a worker for a number of addi-  
16 tional weeks equal to the number of weeks the worker’s  
17 enrollment in training was delayed beyond the deadline ap-  
18 plicable under section 231(a)(5)(A)(ii) pursuant to a waiv-  
19 er granted under section 231(c)(1)(E).”.

20 (c) **FUNDING FOR TRAINING.**—Section 236(a) of the  
21 Trade Act of 1974 (19 U.S.C. 2296(a)) is amended—

22 (1) in paragraph (1) by striking “Upon such  
23 approval” and all that follows to the end; and

24 (2) by amending paragraph (2) to read as fol-  
25 lows:

1           “(2)(A) Upon approval of a training program  
2           under paragraph (l), and subject to the limitations  
3           imposed by this section, an adversely affected worker  
4           covered by a certification issued under section 223  
5           shall be eligible to have payment of the costs of that  
6           training, including any costs of an approved training  
7           program incurred by a worker before a certification  
8           was issued under section 223, made on behalf of the  
9           worker by the Secretary directly or through a vouch-  
10          er system.

11          “(B) Not later than 6 months after the date of  
12          enactment of the Trade Adjustment Assistance Im-  
13          provement Act of 2007, the Secretary shall develop,  
14          and submit to Congress for approval, a formula that  
15          provides workers with an individual entitlement for  
16          training costs to be administered pursuant to sec-  
17          tions 239 and 240. The formula shall take into ac-  
18          count—

19                 “(i) the number of workers enrolled in  
20                 trade adjustment assistance;

21                 “(ii) the duration of the assistance;

22                 “(iii) the anticipated training costs for  
23                 workers; and

24                 “(iv) any other factors the Secretary deems  
25                 appropriate.

1           “(C) Until such time as Congress approves the  
 2           formula, the total amount of payments that may be  
 3           made under subparagraph (A) for any fiscal year  
 4           shall not exceed 50 percent of the amount of trade  
 5           readjustment allowances paid to workers during that  
 6           fiscal year.”.

7           (d) APPROVED TRAINING PROGRAMS.—

8           (1) IN GENERAL.—Section 236(a)(5) of the  
 9           Trade Act of 1974 (19 U.S.C. 2296(a)(5)) is  
 10          amended—

11                   (A) by striking “and” at the end of sub-  
 12                   paragraph (E);

13                   (B) by redesignating subparagraph (F) as  
 14                   subparagraph (H); and

15                   (C) by inserting after subparagraph (E)  
 16                   the following:

17                           “(F) integrated workforce training;

18                           “(G) entrepreneurial training; and”.

19           (2) DEFINITION.—Section 247 of the Trade  
 20           Act of 1974 (19 U.S.C. 2319), as amended by  
 21           102(c), is amended by adding at the end the fol-  
 22           lowing:

23                   “(19) The term ‘integrated workforce training’  
 24                   means training that integrates occupational skills  
 25                   training with English language acquisition.”.

1   **SEC. 307. FUNDING FOR ADMINISTRATIVE COSTS.**

2       Section 241 of the Trade Act of 1974 (19 U.S.C.  
3   2313) is amended by adding at the end the following:

4       “(d) Funds provided by the Secretary to a State to  
5   cover administrative costs associated with the performance  
6   of a State’s responsibilities under section 239 shall be suf-  
7   ficient to cover all costs of the State associated with oper-  
8   ating the trade adjustment assistance program, including  
9   case worker costs.”.

10   **SEC. 308. AUTHORIZATION OF APPROPRIATIONS.**

11       (a) IN GENERAL.—Section 245(a) of the Trade Act  
12   of 1974 (19 U.S.C. 2317(a)) is amended by striking  
13   “2007” and inserting “2012”.

14       (b) FIRMS.—Section 256(b) of the Trade Act of 1974  
15   (19 U.S.C. 2346(b)) is amended by inserting “and  
16   \$50,000,000 for each of fiscal years 2008 through 2012,”  
17   after “fiscal years 2003 through 2007,”.

18       (c) TERMINATION.—Section 285 of the Trade Act of  
19   1974 (19 U.S.C. 2271 note) is amended by striking  
20   “2007” each place it appears and inserting “2012”.

21       (d) FARMERS.—Section 298(a) of the Trade Act of  
22   1974 (19 U.S.C. 2401g(a)) is amended by striking  
23   “2007” and inserting “2012”.

## 1           **Subtitle B—Data Collection**

### 2   **SEC. 311. SHORT TITLE.**

3           This subtitle may be cited as the “Trade Adjustment  
4 Assistance Accountability Act”.

### 5   **SEC. 312. DATA COLLECTION; INFORMATION TO WORKERS.**

6           (a) DATA COLLECTION.—Subchapter C of chapter 2  
7 of title II of the Trade Act of 1974 is amended by insert-  
8 ing after section 249, the following new section:

#### 9   **“SEC. 250. DATA COLLECTION; REPORT.**

10           “(a) DATA COLLECTION.—The Secretary shall, pur-  
11 suant to regulations prescribed by the Secretary, collect  
12 any data necessary to meet the requirements of this chap-  
13 ter. The Secretary shall collect and publish, on an annual  
14 basis, the following:

15           “(1) The number of workers certified and the  
16 number of workers actually participating in the  
17 trade adjustment assistance program.

18           “(2) The time for processing petitions.

19           “(3) The number of training waivers granted.

20           “(4) The number of workers receiving benefits  
21 and the type of benefits being received.

22           “(5) The number of workers enrolled in, and  
23 the duration of, training by major types of training.



1           “(6) Earnings history of workers that reflects  
2           wages before separation and wages in any job ob-  
3           tained after receiving benefits under this Act.

4           “(7) Reemployment rates and sectors in which  
5           dislocated workers have been employed.

6           “(8) The cause of dislocation identified in each  
7           petition that resulted in a certification under this  
8           chapter.

9           “(9) The number of petitions filed and workers  
10          certified in each congressional district of the United  
11          States.

12          “(b) STATE PARTICIPATION.—The Secretary shall  
13          ensure, to the extent practicable, through oversight and  
14          effective internal control measures the following:

15               “(1) STATE PARTICIPATION.—Participation by  
16               each State in the collection of data required under  
17               subsection (a) and shall provide incentives for States  
18               to supplement employment and wage data obtained  
19               through the use of unemployment insurance wage  
20               records.

21               “(2) MONITORING.—Monitoring by each State  
22               of internal control measures with respect to program  
23               measurement data collected by each State.

24               “(3) RESPONSE.—The quality and speed of the  
25               rapid response provided by each State under section

1       134(a)(2)(A) of the Workforce Investment Act of  
2       1998 (29 U.S.C. 2864(a)(2)(A)).

3       “(c) REPORT.—

4               “(1) ANNUAL REPORT.—Not later than 1 year  
5       after the date of enactment of this Act, and annually  
6       thereafter, the Secretary shall submit to the Com-  
7       mittee on Finance of the Senate and the Committee  
8       on Ways and Means of the House of Representatives  
9       and make available to each State and to the public  
10      a report that includes the information collected  
11      under this section.”.

12      (b) CONFORMING AMENDMENTS.—

13              (1) COORDINATION.—Section 281 of the Trade  
14      Act of 1974 (19 U.S.C. 2392) is amended by strik-  
15      ing “Departments of Labor and Commerce” and in-  
16      serting “Departments of Labor, Commerce, and Ag-  
17      riculture”.

18              (2) TRADE MONITORING SYSTEM.—Section 282  
19      of the Trade Act of 1974 (19 U.S.C. 2393) is  
20      amended by striking “The Secretary of Commerce  
21      and the Secretary of Labor” and inserting “The  
22      Secretaries of Commerce, Labor, and Agriculture”.

23              (3) TABLE OF CONTENTS.—The table of con-  
24      tents for title II of the Trade Act of 1974 is amend-

1 ed by inserting after the item relating to section  
 2 249, the following new item:

“Sec. 250. Data collection; report.”.

3 (c) EFFECTIVE DATE.—The amendments made by  
 4 this section shall take effect on the date that is 60 days  
 5 after the date of enactment of this Act.

6 **SEC. 313. DETERMINATIONS BY THE SECRETARY OF LABOR.**

7 Section 223(c) of the Trade Act of 1974 (19 U.S.C.  
 8 2273(c)) is amended to read as follows:

9 “(c) PUBLICATION OF DETERMINATIONS.—Upon  
 10 reaching a determination on a petition, the Secretary  
 11 shall—

12 “(1) promptly publish a summary of the deter-  
 13 mination in the Federal Register together with the  
 14 Secretary’s reasons for making such determination;  
 15 and

16 “(2) make the full text of the determination  
 17 available to the public on the Internet website of the  
 18 Department of Labor with full-text searchability.”.

19 **Subtitle C—Trade Adjustment**  
 20 **Assistance for Farmers**

21 **SEC. 321. CLARIFICATION OF MARKETING YEAR AND**  
 22 **OTHER PROVISIONS.**

23 (a) IN GENERAL.—Section 291(5) of the Trade Act  
 24 of 1974 (19 U.S.C. 2401(5)) is amended by inserting be-  
 25 fore the end period the following: “, or in the case of an

1 agricultural commodity that has no officially designated  
 2 marketing year, in a 12-month period for which the peti-  
 3 tioner provides written request”.

4 (b) FISHERMEN.—Notwithstanding any other provi-  
 5 sion of law, for purposes of chapter 2 of title II of the  
 6 Trade Act of 1974 (19 U.S.C. 2271 et seq.) fishermen  
 7 who harvest wild stock shall be eligible for adjustment as-  
 8 sistance to the same extent and in the same manner as  
 9 a group of workers under such chapter 2.

10 **SEC. 322. ELIGIBILITY.**

11 (a) IN GENERAL.—Section 292(c)(1) of the Trade  
 12 Act of 1974 (19 U.S.C. 2401a(c)(1)) is amended by strik-  
 13 ing “80 percent” and inserting “90 percent”.

14 (b) SPECIAL RULE FOR QUALIFIED SUBSEQUENT  
 15 YEARS.—Paragraph (2) of section 292(d) of the Trade  
 16 Act of 1974 (19 U.S.C. 2401A(d)(2)) is amended to read  
 17 as follows:

18 “(2) imports of articles like or directly competi-  
 19 tive with the agricultural commodity, or class of  
 20 goods within the agricultural commodity, produced  
 21 by the group contributed importantly to the decline  
 22 in price determined under subsection (c)(1) without  
 23 regard to whether imports of such articles increased  
 24 in any year subsequent to the year the group was  
 25 first certified.”.

1       (c) NET FARM INCOME.—Section 296(a)(1)(C) of the  
2 Trade Act of 1974 (19 U.S.C. 2401e(a)(1)(C)) is amended  
3 by inserting before the end period the following: “or the  
4 producer had no positive net farm income for the 2 most  
5 recent consecutive years in which no adjustment assist-  
6 ance was received by the producer under this chapter”.

○